



Agriculture Committee

Amended

Wednesday, March 15, 2006
2:30pm - 5:30pm
214 The Capitol

ACTION PACKET

Allan G. Bense
Speaker

Ralph Poppell
Dwight Stansel
Co-Chairs

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

(AMENDED 3/14/2006 8:40:48AM)

Amended(1)

Agriculture Committee

Start Date and Time: Wednesday, March 15, 2006 02:30 pm

End Date and Time: Wednesday, March 15, 2006 05:30 pm

Location: 214 Capitol

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 637 Consumer Protection by Seiler
HB 685 CS Veterinary Drug Distribution by Coley
HB 687 CS Public Records by Adams
HB 743 Agricultural Usage Sales and Use Tax Exemptions by Bowen
HB 777 Telephone Solicitation by Homan

Consideration of the following proposed committee bill(s):

PCB AG 06-03 -- Citrus Canker Disease Managenent

NOTICE FINALIZED on 03/14/2006 08:40 by SIMS-DAVIS.LINDA

COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ralph Poppell (Chair)	X		
Bruce Antone	X		
Edward Bullard	X		
Larry Cretul	X		
Denise Grimsley	X		
Paige Kreegel	X		
Sheri McInvale	X		
Dwight Stansel	X		
Baxter Troutman	X		
Shelley Vana	X		
Totals:	10	0	0

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

HB 637 : Consumer Protection

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bruce Antone				X	
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

HB 685 CS : Veterinary Drug Distribution

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)	X				
Total Yeas: 10 Total Nays: 0					

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

HB 687 CS : Public Records

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone				X	
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Public Records

Marion Hammer (Lobbyist) - Proponent

NRA & Unified Sportsmen of FL

P.O. Box 1387

Tallahassee FL 32302

Phone: (850) 222-9518

Public Records

Cheryl Fulford (Lobbyist) (State Employee) - Proponent

FL Department of Agriculture & Consumer Services

PL 10, The Capitol

Tallahassee FL 32399-0810

Phone: (850) 488-3022

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

HB 743 : Agricultural Usage Sales and Use Tax Exemptions

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)	X				
Total Yeas: 10		Total Nays: 0			

HB 743 Amendments

Amendment 1

☒ Adopted Without Objection

Appearances:

AG Fuel Tax Exemption
Jim Spratt (Lobbyist) - Proponent
FL Nursery, Growers & Landscape Association
1533 Park Center Drive
Orlando FL 32835
Phone: (407) 383-7204

AG Fuel Tax Exemption
Herb Sheheane (Lobbyist) - Proponent
Sunshine State Milk Producers
1455 Cane Creek Road
Quincy FL 32351
Phone: (850) 566-1100

AG Fuel Tax Exemption
Hal Phillips - Proponent
FI Cattlemen's Association
4850 SE 10th Street
Morrison FL 32668
Phone: (352) 843-3687

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

AG Fuel Tax Exemption

Jim Handley (Lobbyist) - Proponent

FL Cattlemen's Association

800 Shakerag Road

Kissimmee FL 34742

Phone: (407) 846-6221

AG Fuel Tax Exemption

Wayne Godwin (General Public) - Proponent

Lake Placid FL 33852

Phone: (863) 699-5411

AG Fuel Tax Exemption

Butch Calhoun (Lobbyist) - Proponent

FL Fruit and Vegetable Association

P.O. Box 1110

Tallahassee FL 32302

Phone: (850) 521-0455

AG Fuel Tax Exemption

Phil Leary (Lobbyist) - Proponent

FL Aquaculture Association

520 River Road

Palatka FL 32177

Phone: (386) 937-7829

AG Fuel Tax Exemption

Ben Parks (Lobbyist) - Proponent

FL Farm Bureau

315 S. Calhoun Street # 850

Tallahassee FL 32301

Phone: (850) 222-2557

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 743**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee hearing bill: Agriculture

2 Representative Bowen offered the following:

4 **Amendment**

5 Remove lines 48 and 49 and insert:

6 purposes.-Electricity used directly and exclusively for
7 production or processing of agricultural products on the farm is
8 exempt from the

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COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

HB 777 : Telephone Solicitation

☒ *Temporarily Deferred*

HB 777 Amendments

Amendment 1

☒ Adopted Without Objection

Appearances:

Telephone Solicitations

Mike Fields (Lobbyist) - Opponent

Bank of America

315 S. Calhoun Street

Tallahassee FL 32301

Phone: (850) 561-1720

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 777**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Agriculture

2 Representative Homan offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line 82 and insert:

6
7 (3) A telephone solicitor may not make any unsolicited
8 telephonic

9
10 ===== T I T L E A M E N D M E N T =====

11 Remove line 6 and insert:

12
13 unsolicited telephonic sales call to any telephone number
14 assigned to

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COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

PCB AG 06-03 : Citrus Canker Disease Managenent

☒ Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)	X				
Total Yeas: 10		Total Nays: 0			

PCB AG 06-03 Amendments

Amendment 1 - Strike-all

☒ Adopted Without Objection

Appearances:

PCB AG 06-03

Craig Meyer (Lobbyist) (State Employee) - Information Only

Department of Agriculture & Consumer Services

PL 10, The Capitol

Tallahassee FL 32399

Phone: (850) 488-3022

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. PCB AG 06-03

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: **Agriculture**

Representative **Poppell** offered the following:

Strike-all Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. Section 581.184, Florida Statutes, is amended to read:

581.184 Adoption of rules; citrus ~~canker~~ disease
management eradication; voluntary destruction agreements.--

(1) The department is directed to implement a comprehensive citrus health plan in order to minimize the impact of exotic citrus pests and diseases to citrus production and to allow for the orderly marketing of citrus fruit in other states and countries.

~~As used in this section, the term:~~

~~(a) "Infected or infested" means citrus trees harboring the citrus canker bacteria and exhibiting visible symptoms of the disease.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 ~~(b) "Exposed to infection" means citrus trees located~~
22 ~~within 1,900 feet of an infected tree.~~

23 ~~(2)(a) The department shall remove and destroy all~~
24 ~~infected citrus trees and all citrus trees exposed to infection.~~
25 ~~The department may destroy, by chipping, trees removed pursuant~~
26 ~~to this section. Notice of the removal of such trees, by~~
27 ~~immediate final order, shall be provided to the owner of the~~
28 ~~property on which such trees are located. An immediate final~~
29 ~~order issued by the department pursuant to this section shall~~
30 ~~notify the property owner that the citrus trees that are the~~
31 ~~subject of the immediate final order will be removed and~~
32 ~~destroyed unless the property owner, no later than 10 days after~~
33 ~~delivery of the immediate final order pursuant to subsection~~
34 ~~(3), requests and obtains a stay of the immediate final order~~
35 ~~from the district court of appeal with jurisdiction to review~~
36 ~~such requests. The property owner shall not be required to seek~~
37 ~~a stay of the immediate final order by the department prior to~~
38 ~~seeking the stay from the district court of appeal.~~

39 ~~(2)(b)~~ Regulation of the removal or destruction of citrus
40 trees pursuant to this section is hereby preempted to the state.
41 No county, municipal, or other local ordinance or other
42 regulation that would otherwise impose requirements,
43 restrictions, or conditions upon the department or its
44 contractors with respect to the removal or destruction of citrus
45 trees pursuant to this section shall be enforceable against the
46 department or its contractors.

47 ~~(3) Any immediate final order issued by the department~~
48 ~~pursuant to this section:~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

49 ~~(a) May be delivered in person, by certified mail, or by~~
50 ~~attaching the order to a conspicuous place on the property on~~
51 ~~which a citrus tree to be removed is located.~~

52 ~~(b) Is not required to be adopted by the department as a~~
53 ~~rule.~~

54 ~~(4) Simultaneously with the delivery of an immediate final~~
55 ~~order, the department shall also provide the following~~
56 ~~information to a property owner:~~

57 ~~(a) The physical location of the infected tree which has~~
58 ~~necessitated removal and destruction of the property owner's~~
59 ~~tree.~~

60 ~~(b) The diagnostic report that resulted in the~~
61 ~~determination that the infected tree is infected with the citrus~~
62 ~~canker.~~

63 ~~(3)(5)~~ The department is directed to adopt rules regarding
64 the conditions under which citrus plants, ~~other than those that~~
65 ~~are infected or exposed to infection,~~ can be grown, moved, and
66 planted in this state as may be necessary for the eradication,
67 control, or prevention of the dissemination of citrus ~~canker~~
68 diseases. Such rules shall be in effect for any period during
69 which, in the judgment of the Commissioner of Agriculture, there
70 is the threat of the spread of citrus ~~canker diseases~~ in the
71 state. ~~Such rules may provide for the conduct of any activity~~
72 ~~regulated by such rules subject to an agreement by persons~~
73 ~~wishing to engage in such activity to voluntarily destroy, at~~
74 ~~their own expense, citrus plants declared by the department to~~
75 ~~be imminently dangerous by reason of being infected or infested~~
76 ~~with citrus canker or exposed to infection and likely to~~
77 ~~communicate same. The terms of such agreement may also require~~
78 ~~the destruction of healthy plants under specified conditions.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

79 ~~Any such destruction shall be done after reasonable notice in a~~
80 ~~manner pursuant to and under conditions set forth in the~~
81 ~~agreement. Such agreements may include releases and waivers of~~
82 ~~liability and may require the agreement of other persons.~~

83 (4)~~(6)~~ The department shall develop by rule, pursuant to
84 ss. 120.536(1) and 120.54, a statewide program of
85 decontamination to prevent and limit the spread of citrus canker
86 disease. Such program shall address the application of
87 decontamination procedures and practices to all citrus plants
88 and plant products, vehicles, equipment, machinery, tools,
89 objects, and persons who could in any way spread or aid in the
90 spreading of citrus canker in this state. In order to prevent
91 contamination of soil and water, such rules shall be developed
92 in consultation with the Department of Environmental Protection.
93 The department may develop compliance and other agreements which
94 it determines can aid in the carrying out of the purposes of
95 this section, and enter into such agreements with any person or
96 entity.

97 (5)~~(7)~~ Owners or ~~and/or~~ operators of nonproduction
98 vehicles and equipment shall follow the department guidelines
99 for citrus canker decontamination effective June 15, 2000. ~~The~~
100 ~~department shall publish the guidelines in the Florida~~
101 ~~Administrative Weekly and on the department Internet website.~~
102 ~~The guidelines shall be posted no later than May 15, 2000.~~

103 (6)~~(8)~~ Notwithstanding any provision of law, the
104 Department of Environmental Protection is not authorized to
105 institute proceedings against any person under the provisions of
106 s. 376.307(5) to recover any costs or damages associated with
107 contamination of soil or water, or the evaluation, assessment,
108 or remediation of contamination of soil or water, including

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

109 sampling, analysis, and restoration of soil or potable water
110 supplies, where the contamination of soil or water is determined
111 to be the result of a program of decontamination to prevent and
112 limit the spread of citrus canker disease pursuant to rules
113 developed under this section. This subsection does not limit
114 regulatory authority under a federally delegated or approved
115 program.

116 ~~(7)(9)~~ Upon request of the department, the sheriff or
117 chief law enforcement officer of each county in the state shall
118 provide assistance in obtaining access to private property for
119 the purpose of enforcing the provisions of this section. The
120 sheriff or chief law enforcement officer shall be responsible
121 for maintaining public order during the citrus disease
122 management eradication process and protecting the safety of
123 department employees, representatives, and agents charged with
124 implementing and enforcing the provisions of this section. The
125 department may reimburse the sheriff or chief law enforcement
126 officer for the reasonable costs of implementing the provisions
127 of this subsection.

128 ~~(10) Posting of an order on the property on which citrus~~
129 ~~trees are to be cut pursuant to the citrus canker eradication~~
130 ~~program shall meet the notice requirement of s. 120.569(1).~~

131 Section 2. Section 581.188, Florida Statutes, is created
132 to read:

133 581.188 Citrus nursery stock propagation, production and
134 the establishment of regulated areas around citrus nurseries.--

135 (1) As used in this section the term "commercial citrus
136 grove" means a solid set planting of 40 or more citrus trees.

137 (2) It is unlawful for any person to propagate for sale or
138 movement any citrus nursery stock, effective January 1, 2007,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

139 which has not been propagated or grown on a site approved by the
140 department at least one mile away from commercial citrus groves
141 and within a protective structure approved by the department.
142 Citrus nurseries registered with the department prior to April
143 1, 2006 shall not be required to comply with the one mile
144 setback from commercial citrus groves while continuously
145 operating at the April 1, 2006 location. However, these
146 nurseries shall be required to propagate citrus within an
147 approved protective structure. It shall be unlawful to
148 distribute any citrus nursery stock that was not produced in a
149 protective structure approved by the department after December
150 31, 2007.

151 (3) The department is directed to adopt rules, pursuant to
152 ss. 120.536 (a) and 120.54, that set forth the conditions under
153 which citrus nursery stock can be propagated, grown, sold or
154 moved and the specifications for the approved site and
155 protective structure.

156 (4) All genera of the Rutaceous subfamilies Aurantioideae,
157 Rutoideae, and Toddalioideae shall be regulated under the
158 provisions of this chapter unless exempted by the division
159 director if the Citrus Budwood Technical Advisory Committee
160 determines they pose no threat of introducing or spreading a
161 citrus plant pest.

162 (5) The department shall establish regulated areas around
163 the perimeter of commercial citrus nurseries established on
164 sites after April 1, 2006 not to exceed a radius of one mile.
165 The planting of citrus in an established regulated area is
166 prohibited. The planting of citrus within a radius of one mile
167 around commercial citrus nurseries established on sites prior to
168 April 1, 2006 must be approved by the department. Citrus plants
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

169 within a regulated area that were planted prior to the
170 establishment of the regulated area may remain unless they are
171 determined to be infected or infested with citrus canker or
172 citrus greening. The department shall require the removal of
173 infected or infested citrus, non-approved planted citrus and
174 citrus that has sprouted by natural means in regulated areas.
175 The property owner shall be responsible for the removal of
176 citrus planted without proper approval. Notice of the removal of
177 citrus trees, by immediate final order, shall be provided to the
178 owner of the property on which such trees are located. An
179 immediate final order issued by the department pursuant to this
180 section shall notify the property owner that the citrus trees
181 that are the subject of the immediate final order must be
182 removed and destroyed unless the property owner, no later than
183 10 days after delivery of the immediate final order requests and
184 obtains a stay of the immediate final order from the district
185 court of appeal with jurisdiction to review such requests. The
186 property owner shall not be required to seek a stay of the
187 immediate final order by the department prior to seeking the
188 stay from the district court of appeal.

189 (6) Regulation of the removal or destruction of citrus
190 plants pursuant to this section is hereby preempted to the
191 state. No county, municipal, or other local ordinance or other
192 regulation that would otherwise impose requirements,
193 restrictions, or conditions upon the department or its
194 contractors with respect to the removal or destruction of citrus
195 trees pursuant to this section shall be enforceable against the
196 department or its contractors.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

197 (7) The department is directed to relocate foundation
198 source trees maintained by the Division of Plant Industry from
199 various locations including those in Dundee and Winter Haven to
200 protective structures at the Division of Forestry nursery in
201 Chiefland or to other protective sites located a minimum of ten
202 miles from any commercial citrus grove. The department is
203 authorized to expend existing funds from the Contracts and
204 Grants Trust Fund for this purpose.

205 Section 3. Section 581.1845, Florida Statutes, is amended
206 to read:

207 581.1845 Citrus canker eradication; compensation to
208 homeowners whose trees have been removed.--

209 (6) Any claim for compensation under this section or under
210 the Shade Dade or Shade Florida Programs must be filed with the
211 department not later than December 31, 2007. Effective January
212 1, 2008, all claims not filed shall expire.

213 Section 4. There is appropriated to the Department of
214 Agriculture and Consumer Services \$10,220,920 from the
215 Agricultural Emergency Eradication Trust Fund and \$16,706,310
216 from the Contracts and Grants Trust Fund for the implementation
217 of the programs in this act.

218 Section 5. Paragraph (c) of subsection (2) of section
219 120.80, Florida Statutes, is amended to read:

220 120.80 Exceptions and special requirements; agencies.--

221 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

222 ~~(c) The provisions of ss. 120.54 and 120.56 shall not~~
223 ~~apply to any statement or action by the department in~~
224 ~~furtherance of its duties pursuant to s. 581.184(2).~~

225 Section 6. Subsection (2) of section 348.0008, Florida
226 Statutes, is amended to read:
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

227 348.0008 Acquisition of lands and property.--

228 (2) An authority and its authorized agents, contractors,
229 and employees are authorized to enter upon any lands, waters,
230 and premises, upon giving reasonable notice to the landowner,
231 for the purpose of making surveys, soundings, drillings,
232 appraisals, environmental assessments including phase I and
233 phase II environmental surveys, archaeological assessments, and
234 such other examinations as are necessary for the acquisition of
235 private or public property and property rights, including rights
236 of access, air, view, and light, by gift, devise, purchase, or
237 condemnation by eminent domain proceedings or as are necessary
238 for the authority to perform its duties and functions; and any
239 such entry shall not be deemed a trespass or an entry that would
240 constitute a taking in an eminent domain proceeding. An
241 expressway authority shall make reimbursement for any actual
242 damage to such lands, water, and premises as a result of such
243 activities. Any entry authorized by this subsection shall be in
244 compliance with the premises protections and landowner liability
245 provisions contained in s. ss. 472.029 and 581.184.

246 Section 7. Paragraph (f) of subsection (1) and paragraph
247 (b) of subsection (3) of section 933.40, Florida Statutes, are
248 amended to read:

249 933.40 Agriculture warrants.--

250 (1) As used in this section:

251 (f) "Plant pest" means any plant pest, noxious weed, or
252 arthropod declared a nuisance by the department pursuant to s.
253 581.031(6), ~~or any plant infected or exposed to infection as~~
254 ~~defined in s. 581.184(1).~~

255 (3) An agriculture warrant shall be issued only upon
256 probable cause. In determining the existence of probable cause

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

for the issuance of one or more agriculture warrants, one or more of the following findings may be sufficient to support a determination of probable cause:

(b) Under all of the circumstances set forth in the affidavit, there is a fair probability the property subject to the agriculture warrant:

1. Contains a plant pest;

2. Is located in an area which may reasonably be suspected of being infested or infected with a plant pest due to its proximity to a known infestation, or if it is reasonably exposed to infestation;

~~3. Is located in a Section in which the department has diagnosed the presence of one or more plants infected with citrus canker as defined in s. 581.184(1)(a) or is located in a Section adjacent thereto;~~

~~3.4.~~ Contains animals affected with any animal pest or which have been exposed to and are liable to spread the animal pest; or

~~4.5.~~ Contains any other property that is liable to convey an animal pest.

Section 8. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove lines 2-14 and insert:

An act relating to citrus disease management; amending s. 581.184, F.S.; directing the Department of Agriculture and Consumer Services to implement the Citrus Health Response Plan; eliminating the authority of the Department of Agriculture and Consumer Services to remove and destroy citrus trees infected with or exposed to citrus disease; deleting definitions and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

provisions relating to immediate final orders, notice to property owners, rulemaking authority, and the posting of certain orders, to conform; requiring certain law enforcement officers to maintain order under certain circumstances involving the citrus disease management process; creating s. 581.188, F.S.; providing requirements relating to the propagation and distribution of citrus effective January 1, 2007; providing rule-making authority to the department; providing for exemption of certain citrus from provisions of this section; requiring the department to establish regulated areas around the perimeter of commercial citrus nurseries; providing conditions for regulated areas; preempting regulation of removal or destruction of citrus plants to the state; directing the department to relocate certain trees maintained by the Division of Plant Industry; authorizing expenditure of funds from the Contracts and Grants Trust Fund; amending s. 581.1845, F.S.; revising the terms of citrus canker eradication compensation program; providing an appropriation; amending ss. 120.80, 348.0008, and 933.40, F.S.; deleting provisions and cross-references to conform to changes made by the act; providing an effective date.

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COMMITTEE MEETING REPORT

Agriculture Committee

3/15/2006 2:30:00PM

Location: 214 Capitol

Summary:

Agriculture Committee

Wednesday March 15, 2006 02:30 pm

HB 637	Favorable	Yeas: 9 Nays: 0
HB 685 CS	Favorable	Yeas: 10 Nays: 0
HB 687 CS	Favorable	Yeas: 9 Nays: 0
HB 743	Favorable With Committee Substitute	Yeas: 10 Nays: 0
Amendment 1 Adopted Without Objection		
HB 777	Temporarily Deferred	
Amendment 1 Adopted Without Objection		
PCB AG 06-03	Favorable With Amendments	Yeas: 10 Nays: 0
Amendment 1 Adopted Without Objection		

Committee meeting was reported out: Wednesday, March 15, 2006 5:48:10PM